

EXHIBIT A

Thanks,

Dana

From: John Edmonds [mailto:jedmonds@cepiplaw.com]

Sent: Friday, September 21, 2012 2:52 PM

To: Ezra Sutton; Dana M. Herberholz; John N. Zarian; Christopher Cuneo; debby@yw-lawfirm.com; trey@yw-lawfirm.com

Cc: fussell@sfipfirm.com; Steve Schlather; Josh Long; spangler@sfipfirm.com; Cathy Pontak

Subject: RE: Adjustacam LLC v. Amazon.com, Inc. et al.; Case 6:10-cv-00329-LED -- Reply to Final Office Action in Reexamination Proceedings

Ezra - 5 pm CT works for AdjustaCam. AdjustaCam is agreeable to dismissing Sakar, Inc. from the 644 case and Sakar International, Inc. (and Kohls) from the 329 case — period.

Dana - Does 5 pm CT work for NewEgg/Rosewill? If not, we're fine with having a 3 pm meet and confer with NewEgg/Rosewill and a 5 pm meet and confer with Sakar/Kohls.

Regards,

John J. Edmonds

CEPIP

713.364.5291

From: Ezra Sutton [mailto:esutton@ezrasutton.com]

Sent: Friday, September 21, 2012 3:40 PM

To: John Edmonds; 'Dana M. Herberholz'; 'John N. Zarian'; 'Christopher Cuneo'; debby@yw-lawfirm.com; trey@yw-lawfirm.com

Cc: fussell@sfipfirm.com; Steve Schlather; Josh Long; Nancy Duong; Felicia Grace; spangler@sfipfirm.com; 'Cathy Pontak'

Subject: RE: Adjustacam LLC v. Amazon.com, Inc. et al.; Case 6:10-cv-00329-LED -- Reply to Final Office Action in Reexamination Proceedings

John:

I have a deposition on Monday and I will not be able for the meet and confer until 6:00 p.m. Eastern, which is 5:00 p.m. Central. Does this work for you and Dana?

Secondly, in order to expedite matters prior to the meet and confer, I have 2 questions: first, have you agreed to dismiss the non-existing company, Sakar, Inc. from the '644 case? Second, is Adjustacam offering Sakar a dismissal of both the 329 case and the 644 case, with a covenant not to sue on the '343 patent in both cases, and in the future in any other case? ✓

We also intend to reserve our right to make a claim for attorneys fees.

EZRA SUTTON

900 Route 9 North

Woodbridge, New Jersey 07095

Tel: 732-634-3520

Fax: 732-634-3511

From: John Edmonds [mailto:jedmonds@cepiplaw.com]

Ezra Sutton

From: John Edmonds [jedmonds@cepiplaw.com]
Sent: Friday, September 28, 2012 10:40 PM
To: Ezra Sutton
Cc: Steve Schlather; Josh Long; Nancy Duong; Johnathan Yazdani; Felicia Grace; 'Ralph Sasson'; 'Mendy Perl'
Subject: RE: AdjustaCam v. ANT, et al. - Motion to Dismiss Sakar, Inc.

Ezra,

We have no agreements then. We'll make the appropriate filings at the appropriate times without your authorship. ✓

John J. Edmonds

CEPIP

713.364.5291

From: Ezra Sutton [mailto:esutton@ezrasutton.com]
Sent: Thursday, September 27, 2012 1:10 PM
To: John Edmonds
Cc: Steve Schlather; Josh Long; Nancy Duong; Johnathan Yazdani; Felicia Grace; 'Ralph Sasson'; 'Mendy Perl'
Subject: RE: AdjustaCam v. ANT, et al. - Motion to Dismiss Sakar, Inc.

John:

With regard to the '644 case, we need the language I suggested this morning (see below) because the record must be made clear that there is no legal entity, Sakar, Inc. Therefore, the Motion and Order must include the language we added, including "WITH PREJUDICE."

With regard to the '329 case, the covenant not to sue in the future must include the allowed re-examined claims because the Re-examination Certificate is merely a formality at this point, and issuance of the Certificate is imminent. ✓

EZRA SUTTON
900 Route 9 North
Woodbridge, New Jersey 07095
Tel: 732-634-3520
Fax: 732-634-3511

From: John Edmonds [mailto:jedmonds@cepiplaw.com]
Sent: Thursday, September 27, 2012 9:48 AM
To: Ezra Sutton
Cc: Steve Schlather; Josh Long; Nancy Duong; Johnathan Yazdani; Felicia Grace
Subject: RE: AdjustaCam v. ANT, et al. - Motion to Dismiss Sakar, Inc.

Ezra,

Thanks for getting back so quickly. Please try these. With respect to the motion, please see the redlined addition to the certificate of conference. Please confirm these are agreeable to file.

Also, with respect to the AdjustaCam v. Amazon case, please let us know whether Sakar International, Inc. now agrees with dismissal in view of the CNS, or if not, please let us know whether you think an additional meet and confer is necessary. If one is necessary, please let us know your availability today for a brief call to close the loop. We can circulate a dial-in or I can call you just about any time.

Ezra Sutton

From: John Edmonds [jedmonds@cepiplaw.com]
Sent: Saturday, September 29, 2012 3:01 PM
To: Ezra Sutton
Cc: Steve Schlather
Subject: AdjustaCam/Amazon - Joint Pretrial Order

✓

Ezra,

The parties joint pretrial order is due on Tuesday. Please send us whatever information that Sakar and Kohl's would like included in the submission.

John Edmonds

CEPIP

COLLINS EDMONDS POGORZELSKI
SCHLATHER & TOWER, PLLC
1616 S. Voss Road., Suite 125
Houston, Texas 77057
713.364.5291
jedmonds@cepiplaw.com

Houston, TX

Longview, TX

Santa Ana, CA

Ezra Sutton

From: John Edmonds [jedmonds@cepiplaw.com]
Sent: Sunday, September 30, 2012 3:56 PM
To: Ezra Sutton
Cc: Josh Long; Steve Schlather; 'spangler@sfipfirm.com'
Subject: RE: AdjustaCam/Amazon - Joint Pretrial Order
Attachments: AdjustaCam - Joint Pretrial Order (draft) (9-30-12 @ 1453).docx



Ezra,

Attached is a draft joint pretrial order. Please redline any changes so we can see them.

We should schedule a call on Monday or Tuesday to discuss a process for getting all this finalized and on file. We suggest Monday at 10 am or 1:30 pm CT or Tuesday at 1:30 pm CT. Please let us know what works best for you.

John J. Edmonds

CEPIP

713.364.5291

From: John Edmonds
Sent: Sunday, September 30, 2012 1:18 PM
To: 'Ezra Sutton'
Cc: Josh Long; Steve Schlather; 'spangler@sfipfirm.com'
Subject: RE: AdjustaCam/Amazon - Joint Pretrial Order

Ezra,

Here is a proposed jury charge.

In view of your clients' quixotic and inexplicable opposition to being dismissed, the jury charge as written is geared towards your clients having a trial over infringement and invalidity for the previously asserted claims, despite their cancelation and the covenant not to sue.

This is supposed to be a joint submission. If you have minor suggested changes, please redline them. If you have anything other than minor changes, please insert your proposed language under the heading of "Defendants proposed language:"

Regards,

John J. Edmonds

CEPIP

713.364.5291

From: Ezra Sutton [mailto:esutton@ezrasutton.com]
Sent: Sunday, September 30, 2012 8:31 AM
To: John Edmonds
Subject: Re: AdjustaCam/Amazon - Joint Pretrial Order

John, We are preparing our sections of the pretrial order and we will email them to you on Tuesday, Ezra.

On Sat, Sep 29, 2012 at 3:00 PM, John Edmonds <jedmonds@cepiplaw.com> wrote:

Ezra,

The parties joint pretrial order is due on Tuesday. Please send us whatever information that Sakar and Kohl's would like included in the submission.

John Edmonds

CEPIP

COLLINS EDMONDS POGORZELSKI

SCHLATHER & TOWER, PLLC

1616 S. Voss Road., Suite 125

Houston, Texas 77057

713.364.5291

jedmonds@cepiplaw.com

Houston, TX

Longview, TX

Santa Ana, CA

Ezra Sutton

From: John Edmonds [jedmonds@cepiplaw.com]
Sent: Tuesday, October 02, 2012 12:44 PM
To: Ezra Sutton
Cc: 'Andrew Spangler'; Steve Schlather; Josh Long; 'Dana M. Herberholz'; 'John N. Zarian'; 'Robert A. Matson'
Subject: RE: Adjustacam v. Sakar -- Pre-Trial Order & Attached Exhibits

Ezra,

Please see my response below in CAPS.

John J. Edmonds

CEPIP

713.364.5291

From: Ezra Sutton [mailto:esutton@ezrasutton.com]
Sent: Tuesday, October 02, 2012 11:35 AM
To: John Edmonds
Cc: 'Andrew Spangler'; Steve Schlather; Josh Long; 'Dana M. Herberholz'; 'John N. Zarian'; 'Robert A. Matson'
Subject: RE: Adjustacam v. Sakar -- Pre-Trial Order & Attached Exhibits

John:

Last week, we had 2 meet and confer conferences to resolve this case, and both times, you refused to give Sakar and Kohl's a covenant not to sue on the new and allowed re-examined claims. Your refusal to do so, in my opinion, constitutes an imminent threat that Adjustacam intends to sue Sakar and/or Kohl's on the re-examined claims. Thus, because this dispute remains, there is still a controversy between the parties. In addition, your offer to dismiss this case without a covenant not to sue on the re-examined claims leaves Sakar/Kohl's vulnerable. ✓

DO YOU WANT TO LITIGATE THE REEXAMINED CLAIMS -- WHICH HAVE NOT ISSUED YET -- IN THE TRIAL OF THIS CASE? IF SO, THE TRIAL NEEDS TO BE POSTPONED, INCLUDING BECAUSE THERE ARE NOT INFRINGEMENT CONTENTIONS, INVALIDITY CONTENTIONS, OR EXPERT REPORTS THAT COVER THE REEXAMINED CLAIMS. OR DO YOU WANT TO LITIGATE THE CANCELED CLAIMS, WHICH WILL BE MOOT COME TIME OF TRIAL? IF YOU WANT TO LITIGATE THE CANCELED CLAIMS, WHICH APPEARS TO BE THE CASE, PLEASE EXPLAIN WHAT YOU THINK THAT WILL RESOLVE?

Therefore, for the third time, I am requesting that Adjustacam provide Sakar/Kohl's with a covenant not to sue on the re-examined claims, and put an end to this controversy.

FOR THE THIRD TIME, I AM TELLING YOU THAT ADJUSTACAM HAS NO LEGAL REQUIREMENT TO GRANT SAKAR/KOHL'S A COVENANT NOT TO SUE UNDER REEXAMINED CLAIMS, AND FOR THE THIRD TIME I AM TELLING YOU "NO" TO YOUR REQUEST.

Also, when you and I were on the phone with Dana last Monday night, having a meet and confer, I specifically brought up the upcoming due date of October 2 for the Pre-Trial Order, and I requested that you consent to a postponement of the due date for the Pre-Trial Order to work out the issues in this case. You did not refuse my request at that time; instead, on Sunday, September 30, you asked for my sections of the Pre-Trial Order. This constituted your refusal of my request for a postponement of the Pre-Trial Order, and I had to begin working on the Pre-Trial Order over the weekend, and yesterday, and today.

I WAS EXPECTING YOU TO SEND A DRAFT MOTION FOR EXTENSION, BUT YOU NEVER SENT ONE. AT THIS POINT THE DEADLINE CANNOT BE MOVED. HAD YOU FOLLOWED THROUGH WITH YOUR SUGGESTION OF AN EXTENSION LAST WEEK, WE COULD HAVE FILED ONE LAST WEEK. IN ANY

EVENT, THERE SHOULD BE NO NEED TO EXTEND DEADLINES, BECAUSE ONLY REASONABLE COURSE IS FOR SAKAR/KOHL'S TO DROP THEIR BASELESS OPPOSITION TO BEING DISMISSED FROM THIS CASE WITH PREJUDICE.

Further, your proposed motion to stay this case, will only prolong it, which continues to leave Sakar/Kohl's in a continuing controversy between the parties. In addition, you refused to postpone the Pre-Trial Order, but now you are proposing a motion to stay the case and prolong it. Thus, your tactics are forcing us to conduct unnecessary legal work by forcing us to work on the Pre-Trial Order, and now by forcing us to oppose your motion to stay the case.

YOUR OPPOSITION IS NOTED. WE CAN DO A FORMAL MEET AND CONFER, IN ACCORDANCE WITH LR CV-7, WHEN WE SPEAK AT 1:30, AND WE'LL GET OUR MOTION ON FILE. SEE COMMENTS ABOUT REGARDING THE NEED FOR NEW DEADLINES IF YOU INSIST UPON LITIGATING THE REEXAMINED CLAIMS IN THIS CASE.

Thus, it is evident that Adjustacam's bad faith conduct still continues in this case. Therefore, we must oppose your motion to stay this case, so that this case does not continue to be prolonged into 2013.

YOUR ALLEGATION OF BAD FAITH IS BASELESS. AT THIS POINT YOU RE WASTING EVERYONE'S TIME, INCLUDING THE COURTS, AND YOU AND YOUR CLIENTS SHOULD BE HELD ACCOUNTABLE AT THE APPROPRIATE TIME.

EZRA SUTTON
900 Route 9 North
Woodbridge, New Jersey 07095
Tel: 732-634-3520
Fax: 732-634-3511

Ezra Sutton

From: Ezra Sutton [esutton@ezrasutton.com]
Sent: Tuesday, October 02, 2012 4:42 PM
To: 'John Edmonds'
Cc: 'Josh Long'; 'Steve Schlather'; spangler@sfipfirm.com
Subject: RE: AdjustaCam/Amazon - Joint Pretrial Order -- Jury Verdict Form/Jury Instructions
Attachments: AdjustaCam - Proposed Jury Charge (AC redline) (10_2_12 @ 429).docx

John:

Attached is the Jury Instructions. I have added language to footnote 2 to respond to your footnote 3.

Sakar's jury questions 1 to 5 are correct, and may be submitted.

As I have stated in our meet and confer today, Sakar does not wish to litigate the asserted claims or the re-examined claims. However, Adjustacam has refused to provide Sakar, along with its Motion to Dismiss, a Covenant Not To Sue against Sakar's accused products that Sakar has been selling for 2 years, by asserting Adjustacam's new re-examined claims against Sakar's accused products. In addition, the Jury Instructions and the Pre-Trial Order would not have been necessary if Adjustacam had agreed to postpone the Pre-Trial Order and Jury Instructions that Sakar had requested on September 24, 2012. After 2 years of litigation with Adjustacam, Sakar does not want another lawsuit by Adjustacam asserting the new re-examined claims against the same products that Sakar has been selling for 2 years.

I hope that our position is clear.

EZRA SUTTON
900 Route 9 North
Woodbridge, New Jersey 07095
Tel: 732-634-3520
Fax: 732-634-3511